

U.S. Department  
of Transportation

United States  
Coast Guard



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United States Coast Guard

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COMDTINST 16450.32A  
JULY 21, 1995

## COMMANDANT INSTRUCTION 16450.32A

Subj: Guidelines for Implementation and Enforcement of Vessel Response Plans, Facility Response Plans, and Shipboard Oil Pollution Emergency Plans

Ref: (a) 33 CFR Part 155  
(b) 33 CFR Part 154  
(c) 33 CFR Part 151  
(d) NVIC 12-92, Guidelines for the Classification and Inspection of Oil Spill Removal Organizations (OSROs)

1. PURPOSE. This instruction provides guidance on the implementation and enforcement of the vessel and facility response plan requirements contained in references (a) and (b), and the Shipboard Oil Pollution Emergency Plan (SOPEP) requirements contained in reference (c) in a manner that is consistent with the intent of the regulations and with the risks identified by Captains of the Ports (COTP) to their area of responsibility (AOR). This instruction is further intended to aid Coast Guard COTPs in their review and approval of facility response plans.
2. ACTION. Area and district commanders, and commanding officers of headquarters units shall ensure compliance with the provision of this instruction.
3. DIRECTIVES AFFECTED. COMDTINST 16450.32 dated 15 January 1993 is cancelled. This instruction will be incorporated into a future change to the Marine Safety Manual (MSM).

4. BACKGROUND.

- a. The Oil Pollution Act of 1990 (OPA 90) amended section 311(j) of the Federal Water Pollution Control Act (FWPCA) to require the preparation and submission of oil spill response plans by the owners or operators of certain facilities and vessels as identified in references (a) and (b). It also requires that the vessel or facility be operated in compliance with its submitted response plan. Failure to have submitted a response plan, and to have received approval of that plan or authorization from the Coast Guard to operate in accordance with the submitted plan, results in the prohibition of that vessel or facility from the handling, storing, or transporting of oil. An Interim Final Rule was published in the Federal Register on 5 February 1993 setting forth the vessel and facility response plan requirements and identifying the classes of vessels and facilities to which the requirements apply.
- b. The Act to Prevent Pollution From Ships was amended to incorporate the requirements regarding SOPEPs of Annex I of the International Convention for the Prevention of Pollution from Ship 1973, as modified by the Protocol of 1978, as amended (MARPOL 73/78). Reference (c) contains the implementing regulations. These rules became effective on 4 April 1993 for new vessels and on 4 April 1995 for existing vessels. In general, all oil tankers of 150 gross tons and above and all other ships 400 gross tons and above must carry on board an approved SOPEP.
- c. Questions regarding implementation of the rules for implementation and enforcement of vessel and facility response plan requirements should be directed to Commandant (G-MEP-2) at (202) 267-2611 and for enforcement to Commandant (G-MEP-1) at (202) 267-6714.

5. FACILITY RESPONSE PLAN (FRP) RECEIPT AND REVIEW.

- a. Reference (b) requires that the owner or operator of a "substantial harm" or "significant and substantial harm" facility, as defined in reference (b), submit a response plan to the local COTP. Section 4202(b)(4)(B) of OPA 90 precludes a facility from handling, storing, or transporting oil unless a response plan has been submitted to the Coast Guard. "Significant and substantial harm" facilities are further required to have their plans approved by the Coast Guard. For all marine transportation-related facilities, reviews and approvals will be done by the local COTP.
- b. Federal and other government facilities are not exempt from the requirements of the FWPCA, including the requirements for FRP. (33 U.S.C.1323)

- c. There is a need for consistency in the review and approval of a plan; however, this effort will be tempered by the fact that a facility response plan is intended for the use of the facility's personnel and its owner or operator to increase their level of preparedness. The plans may be presented in a manner consistent with other guidance and plans used by the facility. The information contained in these plans is based upon national planning standards and the response scenarios are intended to be used to develop a planning document and not establish a performance document or standard.
- d. COTPs shall ensure the continuous tracking of all response plans received, and maintain a response plan log that allows for the unique identification of submitted plans. This plan number can be the same as the facility's Marine Safety Information System (MSIS) facility identification number, or some other number uniquely generated by that COTP. This log should contain key information such as (1) facility name, (2) date received, (3) review status (preliminary sat/unsat and comprehensive pends/sat/unsat), (4) date authorized by COTP to operate under submitted plan, (5) date authorization letter expires, (6) date plan was approved, and (7) plan approval expiration date. When a field unit receives a response plan for a facility under its jurisdiction, it should log in the plan, conduct a preliminary review of the plan for legal sufficiency, provide confirmation of receipt of the plan to its submitter, conduct a comprehensive review and upon satisfactory completion of that review issue an approval letter.
- e. The emphasis in reviewing response plans should be on ensuring that the owner or operator has gone through the planning process to prepare facility personnel to respond, to the maximum extent practicable, to an actual or threatened discharge of oil. OPA 90 identifies a number of elements considered key to effective preparedness. These include: identifying properly trained personnel, prearranged private response resources, and a system to allow the timely and efficient activation and employment of equipment and personnel. A reviewer should look at the plan's overall effectiveness, workability, and organization for ease of use toward the goal of preparedness. Keep in mind that a plan preparer may employ approaches that would vary from the Coast Guard's. A number of formats may be employed in plan preparation. One format may use bullets to outline the information and remind the users of their responsibilities while another uses detailed information to lay out planned actions. The Coast Guard's objective

however, is to see if the owner or operator has realistically prepared for the different spill scenarios; not to see if the planned response is identical to the Coast Guard's plan. Enclosure (1) contains a critical area review checklist that is intended to allow for flexibility in the form and format of a plan, while ensuring that issues critical to preparedness are adequately addressed within the plan.

- f. All response plans should undergo a preliminary review to determine if the statutory elements prescribed by OPA 90 and the implementing regulations are present. During this preliminary review, the following items must be checked. The plan includes (1) an outline of the notification procedures, (2) identifies the qualified individual and alternate qualified individual, (3) identifies the worst case discharge scenario, (4) identifies the resources ensured available to respond to a worst case discharge (although at this time, the response capability of the resources is not evaluated), and (5) describes required training and drills.
- g. If a plan does not pass the preliminary review, a letter should be sent notifying the owner or operator that their plan does not contain the essential elements required within a response plan and that the missing elements must be included before the plan can be accepted and/or further reviewed for approval. The letter should also remind the owner or operator that as their plan is lacking the elements required of a plan, the facility is not permitted to handle, store or transport oil.
- h. If a plan passes the preliminary review, a letter should be sent to the owner or operator advising them that the plan has been accepted and, if a "significant and substantial harm" facility, that the plan will be undergoing a comprehensive review for approval. Additionally, if an owner or operator has certified the adequacy and availability of the response resources, in accordance with the provisions of 33 CFR 154.1025(c), the COTP may authorize the handling, storage, or transporting of oil, for up to 2 years from the date of plan submission, pending the Coast Guard's approval of the plan.
- i. Once the COTP has authorized operation under the plan, an entry must be made in the Facility File Status Summary (FFSS) of (MSIS). For a significant and substantial harm facility, the "Response Plan: Plan Approval Letter" field should be updated to show a current status code of "Pending Approval (PA)" and the date the authorization letter expires entered in the "valid until" field. For a substantial harm facility, the status code should be

current and the "valid until" field should be dated for five years from the date of the plan's submission. (NOTE: Absence of information regarding a facility response plan should be viewed as the facility not being in compliance with the requirement to have a plan).

- j. After the preliminary review, a comprehensive review is conducted on response plans submitted by facilities defined as a "significant and substantial harm" facility in 33 CFR 154.1020. As was indicated earlier, the checklist contained in enclosure (1) is intended to allow a reviewer to conduct a comprehensive analysis of a plan while allowing the plan preparer latitude in the plan's form and format. The checklist is designed for use by personnel familiar with, and having a good working knowledge of, the facility response plan regulations. In addition, the checklist is appropriate for significant and substantial harm facilities with Groups I-IV petroleum oils. For facilities handling Group V and non-petroleum oils, review and analysis beyond that indicated by the checklist may be appropriate. (NOTE: Oil groups and persistent and non-persistent oils are defined in both references (a) and (b)).
- k. Non-petroleum and Group V oils are treated differently for planning purposes. Parts 154.1047 and 154.1049 of Title 33 of the Code of Federal Regulations, require the owner or operator to identify the procedures and equipment necessary to respond to a worst case discharge of these oils. There are no specific requirements for identifying the amount of response resources. The Interim Final Rule allows the owner or operator to determine the type and amount of equipment needed to respond to a worst case discharge of non-petroleum oils. The Coast Guard's review is designed to determine if the response scenario is appropriate for the identified oil's characteristics and the resources identified are satisfactory in type and consistent with the volume of oil that may be spilled as a result of the worst case discharge. For Group V oils, the plan must also include procedures, strategies, and identification of equipment to locate, recover, and mitigate discharges.
- l. During the comprehensive review process, the reviewer should keep in mind that these response plans are not written for use by an OSC, but are developed to assist the owner or operator in preparing themselves and their people for an oil spill. During review, each item on the checklist should be in the plan in sufficient detail to permit the plan to be useful prior to and during a spill response. The reviewers should ask themselves, "Does the plan demonstrate that the owner or operator has gone through the planning process and is now better prepared to respond to a spill?"

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- m. If deficiencies are noted during the comprehensive review, a letter is sent to the owner or operator describing each deficiency and what is required to correct it. This letter must specify the time allowed to correct the deficiencies. The time period is left to the discretion of the COTP based on consideration of the nature of the deficiency and how useful the plan is as presently written. Generally, 30 to 60 days should be allowed to correct deficiencies. Provided that any operating authorization has not expired, the facility may continue to operate during this period. COTPs are also encouraged to assist facility owners or operators towards achieving compliance with the OPA 90 response plan requirements.
- n. When all deficiencies have been corrected, or if no deficiencies are noted during the comprehensive review, the COTP will send an approval letter. The response plan approval letters must be signed by the COTP. In accordance with 33 CFR 154.1060(c), plan approval may be for a period of up to 5 years from the date of the plan's submission. COTPs may approve plans for a period of less than 5 years in an effort to manage their future review work load because these plans will be up for review in 5 years. However, this discretion should be applied judiciously, and most approvals should be for 5 years (from the date of submission). It is expected that plan approvals will stagger themselves naturally due to the plan review process and changes in owners, operators, and other significant events that require plan revision and resubmission for approval. After final approval for the plan has been granted, the MSIS record should be updated to reflect the results of the review. For approved plans, an entry should be made showing the status to be "valid" and the date the approval expires. Plans which fail to obtain approval should have the status of "expired."

### 6. VESSEL RESPONSE PLAN REVIEW (VRP).

- a. VRPs are required for all vessels that are constructed or adapted to carry oil in bulk as cargo or cargo residue except: vessels exempted in 33 CFR 155.1015(c) and fishing and fish tender vessels of not more than 750 gross tons when engaged only in the fishing industry (See Public Law 103-206).
- b. Due to the transitory nature of vessel operations, all vessel response plans are reviewed at the national level by Commandant (G-MEP-6). These reviews are conducted against the national planning standards set forth in reference (a). Further, due to the transitory nature of

operations, the geographic specific appendices in a vessel's response plan are not as detailed as is the geographic information section within a facility plan. For these reasons, more reliance will be placed on the Area Contingency Plan (ACP) for guidance on resources at risk and other response considerations in the event of an oil spill involving a vessel.

- c. VRPs undergo a review process that is similar to that applied to facilities. The plans are given a preliminary review upon receipt, and upon passing this review are given a comprehensive review for approval. All plans are logged into a VRP database that tracks the plan throughout the review and approval process.
- d. After a response plan is accepted for review and approval, Commandant (G-MEP-6) enters information on the plan into MSIS. This information is contained in the Vessel File List of Documents (VFLD). An indication of "In Process" in the status block means the vessel has been granted continued operating authorization until the indicated expiration date. An indication of "Valid" means the vessel's plan has been approved for the period indicated. If a vessel has no entry in this field, units should contact G-MEP-1 for the most current status.

#### 7. SHIPBOARD OIL POLLUTION EMERGENCY PLANS (SOPEP).

- a. Approved SOPEPs are required to be carried on board all oceangoing oil tankers of 150 gross tons and above and all other vessels of 400 gross tons and above, when operating in the navigable waters of the United States by 4 April 1995.
- b. SOPEPs are required to be reviewed and approved by the vessel's flag state administration. For US flag vessels 33 CFR 151.27 requires that the Coast Guard review and approve the plan. To provide consistency in the review of SOPEPs, all plans will be reviewed by commandant (G-MEP-6). A review at the national level will also help to accommodate those plan holders that wish to utilize thire OPA 90 VRPs to meet the SOPEP requirements. This dual approval of a plan can be made where an owner or operator has amended their plan to include the required additional information to meet the international notification and coordination requirements.
- c. The purpose of a SOPEP is different than that of the vessel and facility response plans mandated by OPA 90. A SOPEP provides guidance to the ship's master and officers with respect to the onboard emergency procedures followed when a pollution incident has occurred or is likely to occur. These plans will often be in a checklist type format.

- d. When a SOPEP has satisfactorily completed a comprehensive review, the plan is stamped approved and returned to the owner or operator submitting the plan along with a plan approval letter. The approved plan and the approval letter are required to be retained aboard the vessel.
- e. There is no entry made into MSIS regarding the status of a SOPEP. For vessels that have an International Oil Pollution Prevention (IOPP) Certificate, this plan is only a part of the information required for the issuance of that certificate. For other vessels, this plan is viewed in much the same manner as are the vessels oil transfer procedures or oil record book. No separate MSIS entry is made regarding this plan's review and approval.

8. WAIVERS AND ALTERNATIVE MEANS OF COMPLIANCE.

- a. The planning standards contained in vessel and facility response plan regulations are national standards. In developing these standards, it was recognized that they may not be appropriate for all areas in which a vessel may operate, nor for all facilities. For this reason provisions exist for an owner or operator to request the acceptance of an alternate planning criteria. This action must be initiated by the owner or operator of the facility or vessel.
  - (1) Waiver and alternative compliance requests should set forth details of the alternative being proposed, including: (1) alternative response methodologies (i.e., chemical countermeasures), (2) alternative response equipment including type and quantity, (3) an assessment of the increased or decreased risk posed by the facility or vessel if the waiver/alternative is granted, (4) an assessment of the efficiency of the proposed alternative/waiver and (5) any operational restrictions proposed to limit the risk.
  - (2) A facility owner or operator should submit requests for consideration of a waiver or alternative planning standard directly to the COTP for the zone in which the facility is located.
  - (3) A vessel owner or operator should submit a request for acceptance of a waiver or alternative planning standard 90 days before the vessel intends to operate under the proposed waiver or alternative. These requests must be submitted to Commandant (G-MEP-6) via the COTP for the geographic area(s) affected. The COTP should advise Commandant



(G-MEP-6) of their evaluation and recommendation regarding the acceptability of the proposed alternative planning criteria.

- b. In cases where a facility owner or operator is objecting to a facility's classification as a "substantial harm" or "significant and substantial harm" facility, the appeal procedures are set forth in 33 CFR 154.1075.
- c. There have been a number of alternative planning standards for vessels accepted by Commandant (G-MEP-6). In particular, three alternatives have been granted to a large number of vessel response plan holders. These alternatives include:
  - (1) Response time for responding to an average most probable discharge (AMPD) for vessels engaged in transfer operations more than 12 miles from the shoreline. This alternative allows for a one hour mobilization time and a five knot transit speed to be used in computing the time response equipment is required to be on-scene.
  - (2) Acceptance of an alternative to the conventional method of contracting for AMPD coverage. This alternative arrangement requires that an AMPD OSRO contracted to cover transfer operations at locations other than marine transportation related (MTR) facilities be named in the response plan. The plan may further state that the identified OSRO can be replaced by an OSRO classified by the Coast Guard under the guidance contained in reference (d) for a particular transfer if contracted for prior to the transfer operation. The owner or operator is required to notify the affected COTP of this change; however, the COTP will only acknowledge the notification and not evaluate the selected OSRO or approve the change.
  - (3) Waiving of the requirement to have response resources contracted for response in the offshore environment, for vessels carrying non-persistent petroleum oils. In these cases, there are generally operational restrictions imposed which require the vessel to minimize its time within the offshore response zone (12-50 miles). This alternative has only been granted to vessels while they are only carrying Group I oils as cargo.
- d. Where an alternative planning standard has been granted to a vessel or facility, this fact should be clearly identified in the response plan.

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- e. Vessels are required to include a list of geographic areas within a COTP zone in which the vessel intends to handle, store or transport oil. The identification of these areas establishes a set of self-imposed operating parameters that will apply to that vessel and the identified response resources that were evaluated for applicability based on that information. This list of geographic areas within a COTP zone does not constitute a waiver. Where a plan preparer fails to identify any specific geographic areas, the plan is reviewed for the appropriateness of the response resources for the entire COTP zone.

9. ONE TIME PORT VISIT NOT COVERED BY AN APPROVED RESPONSE PLAN.

- a. A vessel may be authorized a one voyage port visit to a port not covered by their response plan, as outlined in 33 CFR 155.1025(e). COTPs should establish a log to ensure that vessels that choose this option are not allowed to reenter the COTP zone until they have an approved VRP for that COTP zone.
- b. Before any oil transfer can occur from a vessel requesting a one time port visit the vessel owner or operator must accomplish four items: (1) provide the COTP certification that they have contracted with the necessary resources to respond to a worst case discharge, (2) certify in writing that a response plan meeting the regulatory requirements or a SOPEP approved by the flag state is onboard, (3) operate in full compliance with the submitted response plan, and (4) receive interim operating authorization from the COTP.

10. FACILITY RESPONSE PLAN ENFORCEMENT POLICY.

- a. Civil penalty violation reports and orders to cease operations will be initiated against "significant and substantial harm" MTR facilities, as classified by 33 CFR 154.1015(c) and defined in 33 CFR 154.1020 that are either handling, storing, or transporting oil and do not have approved response plans or have not received authorization for continued operation pending approval of their plans. In this respect, a broad literal interpretation of handling, storing, or transporting oil should be used, but only for the portion of the facility for which the Coast Guard requires response plans. Civil penalties will also be initiated against "substantial harm" facilities handling, storing, or transporting oil that have not submitted a response plans to the COTP. Note that "substantial harm" facilities do not need response plan approval by the COTP. Mobile MTR facilities only need the response plan while conducting a transfer with a vessel with a total oil capacity of 250 barrels or more.

- b. If an MTR facility (1) has not submitted a response plan as required or (2) is a "significant and substantial harm" facility operating without an approved FRT or authorization to operate under a submitted plan as previously described, the following actions are to be taken:
  - (1) The facility shall be ordered to cease operations. For a complex facility, this order will only apply to that MTR section over which the Coast Guard exercises jurisdiction.
  - (2) All transfer lines to and for the waterfront shall be made gas-free and product free.
  - (3) The facility's letter of adequacy shall be revoked.
  - (4) For each day the facility is in violation of the regulations, a report of violation (ROV) shall be submitted citing 33 CFR 154.1025.
- c. As was mentioned earlier, federal facilities are not exempt from the provisions of OPA 90 or the requirements of reference (a). COTPs should advise federal facility managers or operators of the need to submit plans and advise them of the plan's review status and/or non-receipt, but should not initiate civil penalty actions against the facility. Each federal agency will take its own enforcement actions against facilities that are failing to comply with the requirements.

#### 11. VESSEL RESPONSE PLAN ENFORCEMENT POLICY.

- a. The law is clear on what action must be taken in cases where (1) no response plan has been submitted as required or (2) the vessel is operating without an approved response plan or (3) without authorization to continue operations under a submitted plan. As stated in 33 CFR 155.1025(b), the vessel is not permitted to transfer, transport, handle, store, or lighter oil.
- b. To assist units in determining the status of vessel plans, plan data is entered into MSIS. Information on the VRP status can be found in the "VFLD" product. The data fields are set up with the identification number being the VRP control number, the issue date being the date the plan was submitted, the expiration date being the date the authorization letter expires, and the status being "in process" which indicates the plan is being reviewed, "valid" for approved plans, and "expired" for invalid plans. (Note: MSIS does not indicate what COTP zones are included in a plan.)

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- c. During vessel boardings, field personnel shall determine whether the sections of vessel response plans required by 33 CFR 155.1030(i) are carried on board oil tank vessels. In particular, check the accuracy of the notification information contained in the geographic specific appendix for that port. Field offices should also ensure that the vessel is operating in compliance with any operational restriction identified in the plan and that the required drills and training are being conducted.
- d. The vessel checks should be made by field offices during pollution prevention compliance visits on U.S. and foreign flag tank vessels during bulk liquid transfers, annual tank vessel exams, letter of compliance examinations, and inspections for certification or mid-period inspections, as appropriate. Field offices should not make a special examination to check for the presence of a response plan.
- e. Field offices shall submit reports of violations for those vessels handling, storing, or transporting oil and found without response plans during routine examinations or inspections. If the vessel owner or operator purports to have submitted a response plan to Commandant (G-MEP- 6), confirm this with Commandant (G-MEP-6), but still initiate civil penalty action for failure to carry the proper sections of the response plan on board.
- f. Some common enforcement scenarios for vessels without approved response plans and the appropriate COTP actions are:
  - (1) Oil vessel laden or in ballast with cargo residue enroute to U.S. port: Deny entry to the port and process a ROV citing 33 CFR 155.1025 if the vessel is within U.S. Jurisdiction.
  - (2) Oil-laden vessels discovered in port: Unit should shut down any cargo operations being undertaken and detain vessel in port until it has an approved plan or authorization to operate under a submitted plan. A unit may allow a one time port visit after imposing any situation-specific pollution prevention measures deemed necessary by the COTP and allow cargo operations to proceed. In all cases, the unit should process a ROV citing 33 CFR 155.1025.
  - (3) Unladen vessel, discovered in port, anticipating cargo operations: (1) If gas-free, deny authorization to load cargo until plan requirements are met; (2) if in ballast with cargo residue, authorize to load cargo after the conditions for a

one time port visit are met or after imposing any situation-specific pollution prevention measures deemed necessary by the COTP. In the second situation, the unit should process a ROV citing 33 CFR 155.1025.

- (4) Vessel has an approved plan or the authorization to operate pending approval of the vessel's plan, but it does not have the response plan sections required by 33 CFR 155.1030(i) on board: This required information may include the geographic specific information for the zone in which the vessel is located. Vessels without the appropriate response plan sections on board can be allowed to complete their present transfer operation only after the vessel owner or operator meets the requirements for a one voyage port visit as outlined in 33 CFR 155.1025(e). Generally, the preferred enforcement action is to issue a letter of warning by the COTP or the Officer in Charge of Marine Inspections (OCMI) as appropriate. The operator should also be issued a requirement to correct the deficiency prior to the next U.S. port visit or transfer operation in the navigable waters, adjoining shorelines, or the exclusive economic zone of the United States. These vessels will normally be allowed to complete their present transfer operation. A deficiency will be noted in MSIS for these vessels. While a civil penalty action will not normally be initiated, if a vessel makes a return visit, arriving or departing with oil cargo or cargo residue, to the same COTP zone without a response plan, or makes calls to multiple U.S. COTP zones without the required sections on board, the COTP or OCMI should initiate civil penalty proceedings and prohibit the vessel from engaging in cargo operations until the required plan sections are on board.

- g. Units should apply the guidance in the Marine Safety Manual, Volume I, Section 4.D.2.c.(3) regarding Letters of Undertaking and Surety Bonds, when ROVs are initiated.

## 12. SHIPBOARD OIL POLLUTION EMERGENCY PLANS ENFORCEMENT POLICY.

- a. In accordance with 33 CFR 151.27, all new and existing vessels as defined in reference (c) must have on board an approved SOPEP after 4 April 1995, when operating in the navigable waters of the United States.
- b. Vessel checks should be made by field offices during pollution prevention compliance visits on U.S. and foreign flag vessels, annual tank and freight vessel exams, letter of compliance examinations, and inspections

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for certification or mid-period inspections, as appropriate. Field offices should not make a special examination to check for the presence of a SOPEP.

- c. As was mentioned earlier, an approved plan is required for the issuance of an IOPP Certificate. Evidence of a valid IOPP in MSIS can be considered satisfactory evidence that a vessel's SOPEP has been approved. While MSIS may indicate the vessel has a valid IOPP, field units should check that the vessel has an approved SOPEP on board during a vessel boarding. (NOTE: SOPEPs are in the working language of the master and officers of the vessel).
  - d. Enforcement for situations where a vessel does not have a copy of the approved SOPEP on board should mirror those followed for a vessel which fails to have adequate oil transfer procedures.
  - e. Vessels which have not submitted or do not yet have an approved SOPEP should be treated in the same manner as those without an approved vessel response plan and the same conditions for allowing a transfer apply. An ROV shall be processed against U.S. flag vessels for failure to have a SOPEP. For foreign flag vessels, an ROV shall be processed and notification of the deficiency shall be made to the flag state.
13. CAPTAIN OF THE PORT ORDERS. The Coast Guard will generally not issue COTP orders under 33 CFR 160.111 or 33 CFR 160.113 to vessels and facilities solely for being out of compliance with the response plan requirements. Rather, COTP units should take the appropriate enforcement action for vessels and facilities without response plans and should pursue Class I administrative civil penalties, prescribed in COMDTINST 16200.3A.

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Encl: (1) Commandant letter 19471 to Distribution dtd 11 Apr 94

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From: Commandant  
To: Distribution

Subj: RECOMMENDED PROCEDURES FOR CONDUCTING COMPREHENSIVE REVIEWS  
OF FACILITY RESPONSE PLANS

1. One of the objectives of facility response plans (FRP) regulations is that sufficient flexibility be permitted for the plan to reflect an owner's or operator's corporate structure and existing operating procedures. We have also stressed the point that these are "their" plans. Evaluation of FRP using a structured line item check list may not be the best approach for plans which were not prepared in a specified boilerplate fashion.

2. This letter provides information of an alternative method of plan review and is consistent with how vessel response plans (VRP) comprehensive reviews are currently being conducted. It proposes a list of critical areas to be thoroughly examined during the comprehensive review process. We recognize that some plans will be better or more comprehensive than others, yet we propose that plans be approved or rejected based on this critical area review which focuses on items that are essential for the plan to meet the intent of the response plan regulations. (Process, Risk, Preparedness, Responsibility)

3. Rather than applying a lengthy detailed checklist and hunting throughout a plan for language to fulfill each requirement, it is recommended that reviewers read the entire plan to get a feel for the workability of the document. (This action will also allow for the greatest flexibility in the structure of the plan.) After reading through the plan, the reviewer should critically evaluate each item listed in paragraph (4) below. Enclosure (1) is a sample checklist of the criteria that should be checked thoroughly, and includes:

a. Those items which are key to the stated purpose and facility regulations, namely enhancing the owner's and/or operator's preparedness to respond and mitigate.

b. Information upon which the owner/operator and facility personnel would rely in the event of a spill.

c. Those plan details which we routinely scrutinize when informed of an incident involving a facility.

4. Using the above approach, the following items would be comprehensively evaluated, using a review sheet and a planning volume calculation spreadsheet.

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Subj: RECOMMENDED PROCEDURES FOR CONDUCTING COMPREHENSIVE REVIEWS  
OF FACILITY RESPONSE PLANS

- a. Identification of the facility covered by the plan.
  - b. Identification of the owner and operator.
  - c. QI and AQI; information including contact procedures.
  - d. Notification procedures.
  - e. Spill Management Team; identification of members, team organization and description of duties.
  - f. Oil Spill Removal Organizations (OSROs); checked against the facility's requirements for each spill scenario, operating environment and COTP zone.
  - g. Sensitive Areas; identification, information, and maps.
  - h. Specific information including contact lists and OSROs to protect areas of environmental sensitivity or economic importance.
  - i. Facility specific information, including the physical layout.
  - j. Site Specific Safety and Health Plan.
  - k. Spill Mitigation Procedures; verifying that they are in the plan or that reference is made to separate manual(s).
  - l. Training; review to verify a training program exists for required personnel and the training records are being maintained.
  - m. Drills; review to verify a drill and exercise program exists and that drill records are being maintained.
5. Reviewing FRPs in this manner can significantly speed the review process while ensuring emphasis is placed on the critical planning elements. It is also well suited for permitting the Coast Guard to make plan review comments for improvement of the plan, without withholding plan approval until those items are addressed. Enclosure (2) is a sample plan review letter where a plan which has deficiencies to be corrected prior to approval, as well as recommended changes to be made to the plan.
6. Enclosures (4) thru (6) are copies of enclosures currently being placed, when appropriate, in plan review letters for VRPs. These enclosures are intended to assist an owner or operator in correcting deficiencies in those areas of the response plan by providing additional guidance.
7. Plan approval letters must encourage industry personnel to continue to refine their plans and advise them that when plans



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Subj: RECOMMENDED PROCEDURES FOR CONDUCTING COMPREHENSIVE REVIEWS  
OF FACILITY RESPONSE PLANS

are reevaluated in four to five years, we will expect the plans to be more comprehensive and refined. This is consistent with our expectations that;

a. We will have provided more guidance in terms of a Final Rule, workshops, training guidelines and/or NVICs.

b. Plans will be revised and improved upon frequently with the benefit of lessons learned in exercises and actual spills.

c. Plans must be regarded as living documents to be referred to frequently and modified when necessary.

8. Comments, suggestions and questions regarding this program should be directed to LCDR D. Michael Smith at (202) 267-2611.

M.J DONOHOE  
Captain U.S. Coast Guard  
Chief Marine Environmental Protection Division  
By direction of the Commandant

Encl: (1) Facility Response Plan Critical Area Checklist  
(2) Sample Plan Approval Letter  
(3) Sample Plan Review Deficiency Letter w/Enclosure  
(4) Information Sheet on Spill Management Teams  
(5) Information Sheet on Training Proragms  
(6) Information Sheet on Drills Programs

Dist: All Districts (m)

Critical Area Review Checklist

March 27, 1994

**FACILITY RESPONSE PLAN EVALUATION DOCUMENT**

Facility Plan #: \_\_\_\_\_

Facility Type: Substantial Harm \_\_\_\_\_  
Significant and Substantial Harm \_\_\_\_\_

1st Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

2nd Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

The purpose of a facility response plan is to enhance to the preparedness of the owner/operator and facility's personnel to respond to an actual or threatened discharge of oil. The key elements in effective preparedness are properly trained personnel, prearranged private response resources, and a plan for timely and efficient activation and employment of equipment and personnel. With this purpose in mind, comment on the plan's overall effectiveness, workability and organization for ease of use toward the goal of enhancing preparedness.

Critical Area Review Checklist

March 27, 1994

**Applicability** (33 CFR 154.1015(b); NVIC 7-92, Sec. 2))

Yes No Pg.

___	___	___	Fixed facility capable of transferring oil to or from a vessel with a capacity of 250 bbls or more of oil.
___	___	___	Deepwater Port
___	___	___	Mobile MTR facility used or intended to be used to transfer oil to or from a vessel with a capacity of 250 bbls or more of oil.
___	___	___	Complex facility (Required to submit a response plan to more than one regulatory agency.)

Comments:

**Waivers**

___	___	___	Have waivers or alternate compliance variances been granted for any vessel under this plan?
-----	-----	-----	---

(NOTE: If waivers or alternate compliance variances have been granted for this facility, revisions to that effect must be in the plan. Indicate in the comments the type of waiver or alternative and whether the required amendments have made to the plan.)

Comments:

Critical Area Review Checklist

March 27, 1994

**Plan Format** (33 CFR 154.1035(a); NVIC 7-92, Sec. 8j(a))

Yes No

\_\_\_ \_\_\_ Is the plan prepared in accordance with NVIC?

\_\_\_ \_\_\_ If yes, does the plan include a statement  
that it was prepared using the guidance  
contained in NVIC 7-92?

\_\_\_ \_\_\_ Is the plan prepared in accordance with the  
IFR?

(NOTE: The plan must indicate if it was prepared using the  
guidance contained in NVIC 7-92.)

Comments:

**Facility Identification and Owner/Operator Identification** (33  
CFR 154.1035(a); NVIC 7-92, Sec. 8(a))

Yes	No	Pg.	
___	___	___	Does the plain contain the
___	___	___	Facility name, address, telephone number and fax number (if equipped);
___	___	___	Facility's location;
___	___	___	Name of facility owner or operator
___	___	___	Address of owner or operator
___	___	___	Procedures for contacting the owner or operator on a 24-hour basis

NOTE: The owner/operator may be the Qualified Individual.)

Comments:

## Critical Area Review Checklist

March 27, 1994

**Qualified Individual and Alternate Qualified Individual** (33 CFR 154.1026; NVIC 7-92, Ch.1, Sec. 5.4))

Yes	No	Pg.	
___	___	___	Does the plan identify a Qualified Individual by name?
___	___	___	Does the plan identify an Alternate Qualified Individual by name?
___	___	___	Is the Qualified Individual located in the U.S.
___	___	___	Is the Alternate Qualified Individual located in the U.S.?
___	___	___	Are 24-hour means of contact identified for the Qualified Individual?
___	___	___	Are 24-hour means of contact identified for the Alternate Qualified Individual?

Comments:

**Notification Procedures** (33 CFR 154.1035(b)(1); NVIC 7-92, Sec. 8(b)(1))

Yes	No	Pg.	
___	___	___	Does the plan include a prioritized checklist with all notifications to be made? (Section to include name, telephone #, and role in the plan.)

NOTE: Indicate in the comments if the notifications are in a checklist, flow diagram, or text format.)

Critical Area Review Checklist

March 27, 1994

At a minimum, the checklist must include notification to the:

___	___	___	Qualified Individual
___	___	___	National Response Center
___	___	___	State notifications
___	___	___	Federal On-scene Coordinator
___	___	___	OSRO(s)

Comments:

___	___	___	Does the plan describe how the QI is notified?
___	___	___	Does the plan specify that notification to the National Response Center is by telephone?
___	___	___	Does the plan state the toll-free number to the National Response Center?
___	___	___	Does the plan state the direct number to the National Response Center?

Comments:

Critical Area Review Checklist

March 27, 1994

\_\_\_ \_\_\_ \_\_\_ Does the plan contain details of reporting information on a reporting information form?

\_\_\_ \_\_\_ \_\_\_ Does the reporting information form contain the following information: the name address and telephone number of the reporting and responsible parties; the source, cause, date and time of incident; location of incident; facility and tank capacity; material released, including total quantity and quantity in the water; actions being taken to mitigate or remediate the incident; impact, including injuries, fatalities, evacuations and damages; notifications made.

(NOTE: If no, circle the items missing from the checklist. A sample form is contained in the NVIC and the IFR.)

\_\_\_ \_\_\_ \_\_\_ Does the form contain a prominent statement that **initial notification must not be delayed pending collection of all information?**

Comments:

Critical Area Review Checklist

March 27, 1994

**Facility Spill Mitigation Procedures** (33 CFR 154.1035(b) (2);  
NVIC 7-92, Sec. 8(b) (2))

Yes	No	Pg.	Does the plan describe the volume(s) of persistent and non-persistent oil and oil group(s) that would be involved in the --
___	___	___	Average Most Probable Discharge?
___	___	___	Maximum Most Probable Discharge? Quantity_____
___	___	___	Worst Case Discharge? Quantity_____
			Does the plan include procedures for facility personnel to mitigate or prevent any discharge resulting from operational activities associated with internal or external facility transfers including specific procedures to shut down affected operations, in the event of
___	___	___	Failure of manifold
___	___	___	Transfer system leak
___	___	___	Tank overflow
___	___	___	Tank failure
___	___	___	Piping rupture
___	___	___	Pipe leak
___	___	___	Explosion or fire or both
___	___	___	Equipment failure

(NOTE: These events may be combined in the plan's discussion. Reference to a manual or standing orders satisfies this requirement.)

Comments:



Critical Area Review Checklist

March 27, 1994

**Shore-Based Response Activities / Spill Management Team**

(33 CFR 154.1035 (b) (3); NVIC 7-92, Sec. 8 (b) (3))

Yes No Pg.

\_\_\_ \_\_\_ \_\_\_

Does the plan discuss how facility personnel will initiate and supervise a response pending arrival of the Qualified Individual?

\_\_\_ \_\_\_ \_\_\_

Does the plan discuss the Qualified Individual's responsibilities and authority including immediate communication with the Federal On-Scene Coordinator (OSC) and notification of the OSRO(s)?

Comments:

Yes No Pg.

\_\_\_ \_\_\_ \_\_\_

Does the plan discuss the procedures for coordinating the actions of the facility owner or operator or Qualified Individual with the predesignated Federal OSC responsible for overseeing or directing those actions?

Comments:

\_\_\_ \_\_\_ \_\_\_

Does the plan discuss the organizational structure of the spill management team?

Comments:

Critical Area Review Checklist

March 27, 1994

Yes No Pg.

\_\_\_ \_\_\_ \_\_\_ Does the plan discuss the source of personnel, in-house or contracted, to fill the functions of the spill management team?

Does the plan discuss the teams' duties and responsibilities that will be used to manage the response actions:

\_\_\_ \_\_\_ \_\_\_ Command and control (spill manager, incident coordinator)

\_\_\_ \_\_\_ \_\_\_ Public information (public relations, media or press director)

\_\_\_ \_\_\_ \_\_\_ Safety (occupational health supervisor, OSHA officer)

\_\_\_ \_\_\_ \_\_\_ Liaison with government agencies (regulatory affairs officer)

\_\_\_ \_\_\_ \_\_\_ Spill response operations

\_\_\_ \_\_\_ \_\_\_ planning

\_\_\_ \_\_\_ \_\_\_ Logistics support (transport. /supply officer)

\_\_\_ \_\_\_ \_\_\_ Finance (treasurer, accounting)

(NOTE: Two similar functions may be combined but at least one person should be assigned to each function.)

\_\_\_ \_\_\_ \_\_\_ Does the organization structure and description of responsibilities go beyond the first tier of personnel (e.g., Does the plan identify and described the responsibilities of anyone working under the spill manager or incident coordinator)?

Comments:

## Critical Area Review Checklist

March 27, 1994

**Contact List** (33 CFR 154.1035(g)(2)); NVIC 7-92, Sec. 8(f)(2)

Yes   No   Pg.

Does the plan include information for 24 hour  
contact of --

___	___	___	Qualified Individual and Alternate
___	___	___	Oil spill removal organization
___	___	___	Spill management team
___	___	___	Federal, state and local agencies?

Comments:

**Equipment List and Records** (33CFR 154.1035 (g)(3); NVIC 7-92  
Sect. 8 (f)(3))

Yes   No   Pg.

Are the OSROs listed in the plan classified  
by the Coast Guard?

\_\_\_   \_\_\_   \_\_\_

If the OSRO is not classified is a detailed  
equipment list provided?

\_\_\_   \_\_\_   \_\_\_

Does each the plan identify the oil spill  
removal organization(s) identified and  
ensured available, through contract or other  
approved means, to respond to the following  
spill scenarios:

(NOTE: 33 CFR 154.1050; NVIC 7-92, Sec. 11))

\_\_\_   \_\_\_   \_\_\_

AMPD, if required (50 bbl)

\_\_\_   \_\_\_   \_\_\_

Maximum most probable discharge (lesser of  
1,200 bbl or 10% of WCD)

\_\_\_   \_\_\_   \_\_\_

Worst case discharge

Critical Area Review Checklist

March 27, 1994

**Sensitive Areas** (33CFR154.1035 (b) (4); NVIC 7-92 Sect. 8 (b) (4))

Yes No Pg.

Does the plan contain a list of--

\_\_\_ \_\_\_ \_\_\_ Environmentally sensitive areas?

\_\_\_ \_\_\_ \_\_\_ Economically important areas?

\_\_\_ \_\_\_ \_\_\_ Does the plan contain a map marked with the environmentally sensitive and economically important areas?

\_\_\_ \_\_\_ \_\_\_ Does the plan describe response actions to protect these areas?

\_\_\_ \_\_\_ \_\_\_ Does the plan identify the equipment and personnel contracted to protect these areas for the number of days required?

(NOTE: See table 2 of Appendix C of 33 CFR Part 154 or NVIC 7-92 for the number of days required.)

Comments:

## Critical Area Review Checklist

March 27, 1994

**Facility-Specific Information Appendix** (33 CFR 154.1035 (g) (1);  
NVIC 7-92, Sec. 8(f))

Yes    No    Pg.

___	___	___	Does the plan include a facility-specific information appendix?
			Does the appendix include a description of the facility showing --
___	___	___	Mooring areas
___	___	___	Transfer location
___	___	___	Control Stations
___	___	___	Location of safety equipment
___	___	___	Location and capacity of all piping and storage tanks
___	___	___	Size, type and number of vessels that can transfer simultaneously
___	___	___	Identification of first valve which separates the MTR portion of the facility from the non-MTR portion
___	___	___	A MSDS or equivalent for each product handled, stored, or transported in bulk.

Comments:

Critical Area Review Checklist

March 27, 1994

**Training** (33 CFR 154.1035 (e) (1); NVIC 7-92, Sec. 12)

Yes	No	Pg.	
			Does the plan identify the training regimens including specific training courses, company developed programs, or lesson or video tape series for:
___	___	___	Facility personnel,
___	___	___	QI/AQI,
___	___	___	Members of the spill mangement team?
___	___	___	Does the plan identify OSHA training requirements for the above personnel?
___	___	___	Does the plan identify the method of training of any volunteers or casual laborers employed during a response to comply with the requirements of 29CFR1910.120 (OSHA)?

Comments:

List the training courses and programs discussed in the plan for:

Facility personnel

Qualified Individual/Alternate Qualified Individual

Members of the spill management team

Critical Area Review Checklist

March 27, 1994

Yes No Pg.

\_\_\_ \_\_\_ \_\_\_ Does the plan indicate that records of training are maintained and available to the Coast Guard for a minimum of 3 years?

\_\_\_ \_\_\_ \_\_\_ Does the plan specify where the training records are located?

Comments:

**Drills** (33 CFR 15491035(e)(2); NVIC 8-92, Sec. 13)

\_\_\_ \_\_\_ \_\_\_ Does the plan identify a drill program including announced and unannounced drills?

Does the plan address the applicable required drill frequencies for:

\_\_\_ \_\_\_ \_\_\_ Facility personnel and qualified individual notification drills--monthly

\_\_\_ \_\_\_ \_\_\_ Spill management team--yearly

\_\_\_ \_\_\_ \_\_\_ OSRO equipment deployment--yearly

\_\_\_ \_\_\_ \_\_\_ Facility equipment deployment drills  
Announced - Semi-annual  
Unannounced - Annual

\_\_\_ \_\_\_ \_\_\_ Entire plan--every 3 years

\_\_\_ \_\_\_ \_\_\_ Unannounced drills as directed by COTP

\_\_\_ \_\_\_ \_\_\_ Annual unannounced drill

Comments:

Critical Area Review Checklist

March 27, 1994

Yes    No    Pg.

\_\_\_\_    \_\_\_\_    \_\_\_\_

Does the plan identify a method to ensure  
records sufficient to document drills?

\_\_\_\_    \_\_\_\_    \_\_\_\_

Does the plan state that drill records will  
be maintained and available to the Coast  
Guard for 3 years following completion of the  
drills?

\_\_\_\_    \_\_\_\_    \_\_\_\_

Does the plan discuss participation in Coast  
Guard's PREP program?

Comments:



16471

Mans King  
King Oil Terminal  
123 Water Street  
Rivertown, TN 11111

RE: King Oil Terminal

Dear Mr. King:

Your facility response plan, Control Number RT107SS, submitted to meet the requirements of the Oil Pollution Act of 1990 is approved.

I commend your efforts in developing a response plan that reflects your company's operating procedures and organizational structure. I remind you that your plan is a vital working document and that implementing the plan will help ensure effective oil spill response and mitigation. Please be sure that all parties with responsibilities under the plan are familiar with the plan's procedures and requirements.

You are reminded that the King Oil Terminal is prohibited from handling, storing, transporting, transferring, or lightering oil unless it is operating in full compliance with this plan. Compliance includes ensuring that the required resources are in place and available through contract or other approved means. In addition, the facility must have a copy of the plan at the marine-transportation related portion of your facility. It is recommended that this copy be placed with your facility's operations manual.

Your plan's approval will remain valid until 5 years from the date of this letter. You must review your plan annually and resubmit the plan to the Coast Guard for reapproval 6 months before the end of the approval period as required by 33 CFR 154.1065.

A copy of this letter shall be with the plan.

Sincerely,

I. M. Wright  
Captain, U.S. Coast Guard  
Captain of the Port  
Rivertown, TN

16471

XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX  
XXXXXXXXXXXX

RE: FRP Control Number 00000

Dear Sir/Madam/Capt.:

We have completed a comprehensive review of the facility response plan referenced above submitted by your organization to comply with the requirements of the Oil Pollution Act of 1990. Based upon our review, revision of your plan is necessary to our approving it. The areas requiring review and revision are noted in enclosure (1).

You should note there are both required and recommended revisions that we have identified from our review. The revisions noted as being "required" for your plan should be submitted within 45 days of the date of this letter.

As a result of recent changes within our system, only one copy of these changes need be submitted. It is requested, however, that the pages being revised have the date and number of the revision placed in the bottom right hand corner of the page. This will help to ensure that we have the latest revisions entered into your plan.

The letter previously provided by this office authorizing your facility to operate under your submitted plan remains valid and should be retained.

If you should have any questions regarding the requirements of this letter or any other issue dealing with facility response plans, please feel free to contact LTJG C. Waters of my staff at 1-800-123-4567.

Sincerely,

I. M. Wright  
Captain, U.S. Coast Guard  
Captain of the Port  
Roaming, NJ

- Encl: (1) Areas for FRP Revision  
(2) Information Sheet on Spill Management Teams  
(3) Information Sheet on Training Programs  
(4) Information Sheet on Drill Programs

Enclosure (1): AREAS FOR FRP REVISION

16471

**REQUIRED REVISIONS**

The revisions listed below need to be incorporated into your plan before your plan is approved.

1. Your plan must specify training regimens for the Qualified Individual, Alternate Qualified Individual, members of the spill management team, and facility personnel who are assigned responsibilities under the plan. Your plan's training section fails to convey how the elements contained in enclosure ## are effectively addressed in a training program. Although your plan's training section describes that the Qualified Individual and Alternate Qualified Individual will attend OSHA training, this course in itself does not prepare an individual to effectively execute your plan. Please amend your plan to include an outline of specific training courses, company developed programs, or lesson or video tape series that describe how personnel will acquire the knowledge and familiarity to carry out their responsibilities under your response plan.  
(33 CFR 155.1035(e); NVIC 7-92 Section 12)

2. Your plan must discuss the organizational structure of the spill management team including the responsibilities and duties of personnel that will be responsible for managing response actions. The source of personnel, in-house or contracted, to fill the functions should be identified. Your plan should also identify the various organizational layers that exist below key team positions. Enclosure ## discusses recommended spill management team organization and functions.  
[33 CFR 154.1035(b) (3); NVIC 7-92 Section 8(b) (3)]

**RECOMMENDED REVISIONS**

The Coast Guard suggests the following changes to improve your plan.

a. The notification checklist to be made by facility or shore-based personnel does not include telephone numbers. For ease of use, we recommend telephone numbers be added to the checklist.

b. Your plan includes the toll-free number to the U.S. Coast Guard National Response Center. We recommend that you amend your plan to add the direct number, which is (202)267-2675.

## TRAINING REQUIREMENTS FOR RESPONSE PLANS

The portion of the plan dealing with training is one of the key elements of a response plan. This concept is clearly expressed by the fact that Congress, in writing the Oil Pollution Act of 1990, specifically included training as one of the sections required in a vessel or facility response plan. In reviewing submitted response plans, it has been noted that the plans often do not provide sufficient information in the Training Section of the plan for either the **user** or the reviewer of the plan. In some cases, plans simply state that the crew and others will be trained in their duties and responsibilities, with no other information being provided. In other plans, information is simply given that required parties will receive the necessary worker safety training (HAZWOPER).

The training section of the plan need not be a detailed course syllabus, but it must contain **sufficient information** to allow the user and reviewer or evaluator to have an understanding of those areas that are believed to be critical. Plans should identify key **skill areas** and the training that is required to ensure that the individual identified will be capable of performing the duties prescribed to them. It should also describe how the training will be delivered to the various personnel. Further this section of the plan **must work in harmony** with those sections of the plan dealing with **drills**, the **spill management team**, and the **qualified individual**.

To assist in the preparation of the training section of a facility response plan, some of the key elements that should be addressed are indicated below. Again, while it is not necessary that the comprehensive training program for the company be included in the response plan, **it is necessary for the plan to convey the elements that define the program as appropriate**. An effective spill response training program should consider and address:

- \* Notification requirements and procedures.
- \* Communication system(s) used for the notifications.
- \* Procedures to mitigate or prevent any discharge or a substantial threat of a discharge of oil resulting from:
  - Operational activities associated with oil transfers.
  - Failure of manifold
  - Transfer system leak
  - Explosion or fire
  - Tank failure
  - Tank overflow
  - Equipment failure
- \* Procedures for use of equipment which may be used to mitigate an oil discharge.

- \* Procedures for transferring responsibility for direction of response activities from facility personnel to the qualified individual/spill management team.
- \* Familiarity with the operational capabilities of the contracted oil spill response organizations (OSRO) and the procedures to notify/activate the OSRO(s).
- \* Familiarity with contracting/ordering procedures to acquire OSRO resources.
- \* Familiarity with the Area Contingency Plans.
- \* Familiarity with the organizational structure that will be used to manage the response actions.
- \* Responsibilities and duties of the spill management team members, in accordance with designated job responsibilities.
- \* Responsibilities and authority of the qualified individual as described in the vessel response plan and company response organization.
- \* Responsibilities of designated individuals to initiate a response and supervise shore-based response resources.
- \* Actions to take, in accordance with designated job responsibilities, in the event of a transfer system leak, tank overflow, or suspected tank leak.
- \* Information on the cargoes handled by the facility; including familiarity with the cargo material safety data sheets, chemical characteristics, special handling procedures, health and safety hazards, spill and fire fighting procedures.
- \* Occupational Safety and Health Administration requirements for worker health and safety (29 CFR 1910.120).

In drafting the training section of the plan some things to consider are given below. These points are raised simply as to reminder.

The training program should focus on training provided to facility personnel.

An organization is made up of individuals, and a training program should be structured to recognize this fact by ensuring that training is tailored to the needs of the individuals involved in the program.

An owner or operator may identify equivalent work experience which fulfills specific training requirements.

The training program should include participation in periodic announced and unannounced drills or exercises. This participation should approximate the actual roles and responsibilities of individuals as specified in the response plan.

Training should be conducted periodically to reinforce the required knowledge and to insure an adequate degree of preparedness by individuals with responsibilities under the facility response plan.

Training may be delivered via a number of different means; including classroom sessions, group discussions, video tapes, self study workbooks, resident training courses, on-the-job training, or other means as deemed appropriate to insure proper instruction.

New employees should complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

It is hoped that the information provided above will assist plan preparers in reviewing what is in their plan and modifying the training section of their response plan. It should be remembered however, that the information given above is only meant to assist the plan preparer in reviewing their process in developing the section of their response plan dealing with training. It may be more comprehensive that is needed for some facilities, and not comprehensive enough for others. In addition, it is expected that each plan preparer has determined the training needs of their organization created by the development of the response plan and the actions identified as necessary to increase the company's and its personnel's preparedness for responding to actual or threatened discharges of oil from their facility.

## **DRILL REQUIREMENTS FOR RESPONSE PLANS**

That portion of the plan dealing with drills is one of the key elements of a response plan. This concept is clearly expressed by the fact that Congress, in writing the Oil Pollution Act of 1990, included drills as one of the sections required in a vessel or facility response plan. In reviewing submitted response plans, it has been noted that the drill section of response plans have generally been complete, but they have been so only in the fact that they have identified the drill requirements as contained in the interim final rules for vessel and facility response plans.

Unfortunately, the drill section of the response plan is often well covered in a mechanical sense. By this it is meant that the plan identifies all of the key drills set forth in the regulations, but it **does not really identify that the intent is to enhance the preparedness of the vessel's crew** or others identified in the plan. This section of the plan needs to not only give the drills to be conducted and their scheduled frequency, but it must also give the sense that this is an integral part of the response preparedness program for that vessel. There should be a logical tie-in between this section of the response plan and the section dealing with training. The plan is more than just the paper it is written on, and this section of the plan helps to define the commitment of the owner and/or operator to the viability of the plan. A well written drill section will include a discussion of the various drill objectives and expectations of a satisfactory/realistic drill.

**(NOTE: With the advent of the National Preparedness for Response Exercise Program (PREP), and industry's wide acceptance of it, we expected that a number of plans would be changed to incorporate the PREP guidelines. Incorporating the concepts of PREP in your response plan would satisfy all of the above issues.**

It is hoped that the information provided above will assist plan preparers in reviewing their process in developing the section of their response plan dealing with drills. It is expected that each plan preparer has determined the needs of their organization as created by the development of the response plan and the actions identified as necessary to increase the company's and its personnel's preparedness for responding to discharges or substantial threats of a discharge of oil.

Copies of the PREP document are available to anyone wishing a copy. If you do not have a copy, but wish one, please contact YN1 Daniel Caras at (202) 267-6570.

### **SPILL MANAGEMENT TEAM REQUIREMENTS FOR RESPONSE PLANS**

Owners and operators of vessels and facilities must recognize that a spill management team is the heart of a response. It will be that team's ability to manage an event that will play the biggest role in determining the success or failure of the company's response. In recognition of this fact, the vessel and facility response plan rules establish a requirement to identify the organizational structure that will be used to manage an oil spill response. They also require a description of the duties and responsibilities of each of the members of that organization.

A clear identification of key positions coupled with a functional job description is of great importance to a well developed response plan. The regulations identify certain key functional areas of the organization that must be included in the organizational structure that the plan preparer has developed for managing an oil spill. These functional areas are:

- Command and control
- Public information
- Safety
- Liaison with government agencies
- Spill response operations
- Planning
- Logistics support
- Finance

As the regulations indicate, the above are areas **required to be included**, but the rules should **not** be **construed** as those being the **only functional areas** of the organization to be identified. A good response plan should also identify a number of the functional positions that would normally be expected to exist within each of the above areas. Examples of some of these areas are:

- Salvage/lighter operations
- Open water recovery operations
- Beach cleanup/protection operations
- Staging Site operations to support incoming gear
- Resource manager (situational oversight)
- Waste stream manager (disposal)
- Air operations
- Environmental resource assessment

This section of the response plan should further identify a logical progression that could be expected in the development of



the response organization. This would include identifying the various organizational layers that would exist within the organization, and the duties ascribed to each of those layers. This progression may be tied to the various spill scenarios that are identified in the response plan or some other method that would indicate to the user how and when the response organization should be expanded. A good response organization will have the ability to expand and contract along some logical lines as conditions warrant, and should be of such a design that it is capable of being used from the smallest to the largest of incidents that might be required to be response to. It can be seen that a spill management team for a worst case discharge will of necessity consist of more than just one or two people. It is also true that a response to a spill of only a few gallons could be managed by only one or two persons.

The spill management section of the response plan must also contain a description of the duties and responsibilities of the various members of the organization. In some cases, the functional job descriptions provided can be fairly specific (ie for the individual in charge of the operations functional area). In other cases, the functional job description will be directed more toward identifying the level of authority and responsibility that exist at that level of the organization. It will describe basic job functions that are expected to be accomplished as well as describing the position's relationship within the organization's command structure.

A critical element to all of the above is to ensure that the development of this section of the response plan promotes an efficient response operation. The response organization should be structured so that while it may differ from the organization in use by other responding resources, all of these resources can blend rapidly to mount an effective coordinated response effort.

**It is important to remember that the responsibility for management of the response is that of the owner/operator.** While the Coast Guard has the authority to direct response operations, plan preparers **should not develop their plan on the assumption that the Coast Guard will be serving as their spill management team.**

The information provided above is intended to assist plan preparers in revising, modifying, or developing of that section of their response plan dealing with the issue of the spill management team. What we have tried to do is convey some of the concepts that should be considered in developing this section of the plan. It must be remembered however, that the information given above is only meant to assist the plan preparer. It may be more comprehensive enough for others. **Each plan preparer must determine the needs of their organization's spill management team.**